

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
February 2, 2004**

PRESENT: Leon Lauer, Denise Svetly, Bruce Bennett, Janice Boeck, and Marvile Martin

EXCUSED: Laura Jenkins, Mary Blake, Lee Martinez

STAFF PRESENT: Jerry Lowrie, Bureau Director, John Schweitzer, Legal Counsel, Pat Schenck, Program Assistant, Judy Mender, Jan Bobholz Credentialing, Barbara Showers, Darwin Tichenor, Exam Center and Division of Enforcement Staff.

GUESTS: Julie Brolin, John Martinkwitek, Martins College, Marvin Rushing, VICI, Rod Gottfredsen, Austin's Barber Shop, Amy Bristol, Mark's Barber & Styling, Kristin Kowalewski, Cost Cutters-Regis, Julie Brolin, Cost Cutters- Regis, Mary Kiley, NCAW, Mary Kardoskee, NCAW, Joan Kornitz & Students WCTC, Dexter Williams, Mr. Dexter's Hair.

CALL TO ORDER

Leon Lauer, Chair, called the meeting to order at 9:37 a.m. A quorum of five members was present.

Mr. Lauer, Chair welcomed the students visiting from Waukesha County Technical College.

AGENDA

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to approve the agenda as written. Motion carried unanimously.

ELECTION OF OFFICERS FOR 2004

The Barbering and Cosmetology Board held open elections for Board Officers for 2004.

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to retain the same officers, Leon Lauer as Chair, Laura Jenkins as Vice Chairman, and Janice Boeck as Secretary. Motion carried unanimously.

APPOINT BOARD REPRESENTATIVES FOR SCREENING PANEL

Chair Leon Lauer called for board members to schedule dates when they could serve as screening panel members.

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to retain the same screening panel members, Leon Lauer and Laura Jenkins. Motion carried unanimously.

MINUTES OF DECEMBER 1, 2003

MOTION: Denise Svetly moved, seconded by Janice Boeck, to approve the minutes of December 1, 2003 as written. Motion carried unanimously.

APPOINT MARY BLAKE AS A MEMBER OF THE CONTINUING EDUCATION COMMITTEE

MOTION: Denise Svetly moved, seconded by Janice Boeck, to appoint Mary Blake as a member of the Continuing Education Committee. Motion carried unanimously.

**ADMINISTRATIVE REPORT - JERRY LOWRIE, BUREAU DIRECTOR
BOARD ROSTER**

Noted.

2004 MEETING DATES

The next meeting is April 5, 2004 at 9:30 a.m.

The Continuing Education Committee will meet on April 5, 2004, at 8:30 a.m.

TO-DO-LIST

Noted.

SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

CONTINUING EDUCATION COMMITTEE MEETING REPORT

Denise Svetly reported on the process for certifying instructors for continuing education courses. A list of approved certified continuing education instructors should be put together prior to publishing a requirement for continuing education. The Committee took into consideration, complaints and concerns from credential holders regarding hardships in traveling to seek continuing education credits. The committee will look at home study courses and internet courses as CE options. A requirement of continuing education courses will educate credential holders in areas of safety, sanitation and infectious control. The Committee discussed expanding CE courses to make them more industry related for future renewals.

The scope statement for requiring continuing education will be available for approval on April 5th, 2004.

Dr. Barbara Showers will discuss the process of certifying instructors at the next Committee meeting. The projected date for having continuing education in place would be 2005 for the 2006-07 renewal periods.

Mr. Rod Gottfredsen, Austin's Barber Shop, appeared in person before the Board to request that a licensed barber & cosmetologist or a barber & cosmetologist teacher who have held a license for 30 years or more, or is at least 62 years of age be exempt from complying with the continuing education requirements.

Mr. Gottfredsen reported that the requirement of continuing education is unnecessary and adversely affects long-time licensed practitioners. Older practitioners may be forced out of their life long professions due to the inability, hardship or fear of going back to school or taking classes after so many years. According to Mr. Gottfredsen these practitioners may give up rather than trying to comply with CE hours and many small towns or communities could lose their only haircutting establishments.

Mr. Gottfredsen felt that mandating CE is not going to make a practitioner who cut corners better, but will put a burden on the majority of practitioners who are already passionate about being professional and providing customers with the cleanest, best shops and salons possible.

TRAVEL

Leon Lauer, Chair, suggested that the Department pay the \$150.00 dues to the National Association of Barber Boards. The National convention is July or August of 2004 and the Midwest show is February 29, 2004.

ADMINISTRATIVE RULES

SCOPE STATEMENT FOR MISCELLANEOUS RULE CHANGES– JOHN SCHWEITZER

John Schweitzer reported that after the scope statement is published, he would draft new language for miscellaneous rule changes. Mr. Schweitzer will bring suggested changes to the next Board meeting.

MOTION: Denise Svetly moved, seconded by Marvile Martin to approve the scope statement for miscellaneous rule changes. Motion carried unanimously.

SCOPE STATEMENT FOR CONTINUING EDUCATION RULE

MOTION: Denise Svetly moved, seconded by Marvile Martin to approve the scope statement for continuing education. Motion carried unanimously.

LEGISLATION

CONVICTIONS OTHER THAN FELONIES COMMITTED WHILE ENGAGED IN THE PRACTICE DRAFT 454.01 - WAXING

Mr. Schweitzer reported that 454.01 - waxing is in the process of being drafted. Information only.

EXAMINATION AND EDUCATION

CHEATING ON EXAMS RL 4.07 – JERRY LOWRIE

Jerry Lowrie reported that the Department, using the powers of the Secretary, has created a universal cheating policy that will create consistency and efficiency regarding discipline. Mr. Lowrie asked for

the Board member's comments regarding the Department's new cheating rule. Boards may use their discretion regarding discipline.

BARBERING AD HOC REVIEW COMMITTEE

Secretary Donsia Strong Hill requested that a committee be created to address the need to strengthen the curriculum within the various cosmetology schools. Committee members are currently being selected. Leon Lauer will serve on the Ad Hoc Review Committee.

Broad based curriculum that covers all ethnic groups in the State of Wisconsin will be the topic of discussion.

PRACTICE ISSUES

REINSTATEMENT OF LICENSE AFTER FIVE YEARS – JUDY MENDER

Judy Mender met with the Board to request the Board's opinion regarding reinstating a Wisconsin license after it has been lapsed for more than five years. Currently the rules state that if a license has been expired for more than five years the Board may require them to retake the National Examination. If a candidate wishes to reinstate a license in Wisconsin after five years and is not holding a current license in another state they should be required to retake the National Examination. Ms. Mender proposed that if the candidate is licensed in another state and currently practicing in that state, they could be licensed by reciprocity if they meet the reciprocity requirements, hold a current licensure in another state, 4,000 hours of work experience, may have the examination requirement waived.

MOTION: Bruce Bennett moved, seconded by Denise Svetly, that prior licensees of Wisconsin that meet the reciprocity requirements, hold a current license in another state, have 4,000 hours of work experience, and pay the appropriate fee may have the examination waived for reinstatement of their Wisconsin license. Motion carried unanimously.

CLARIFY LANGUAGE IN BC 3.02 (1)(B) RE LICENSED MANAGER ON-SITE WITH FUTURE STIPULATIONS TO BE ADDED

John Schweitzer reviewed the language in BC 3.02 regarding clarifying the language to more clearly understand full time managers in every salon and managers of apprentices. Responsibility of owners verses responsibility of managers.

LETTER FROM HAIR INTERNATIONAL- REQUEST FOR SUPPORTING BARBER STAMP

Hair International of New Jersey is advocating for a stamp to be dedicated for the Barber profession and have requested that the Board make a motion to send a letter to Postmaster John E. Potter and the Citizens Stamp Advisory Committee to honor the barber profession with a postage stamp.

MOTION: Bruce Bennett moved, seconded by Marvile Martin, that Leon Lauer write a letter to Postmaster John E. Potter and the Citizens Stamp Advisory Committee supporting the request for a barber stamp and that the Board encourage

individual practitioners to support the stamp by advertising in the Regulatory Digest Newsletter and on the Departments web page. Motion carried unanimously.

DIVISION OF ENFORCEMENT

None.

LEGAL COUNSEL REVIEW

John Schweitzer and Judy Mender have received requests from prisoners who have practiced barbering or cosmetology prior to being incarcerated or have learned the profession while incarcerated. Will their conviction record keep them out of the profession once they are released? The Board will review each request on a case-by-case basis. Judy Mendor will contact the instructors at the prison to let them know the Board will review each request on a case-by-case basis.

BOARD MEMBER ACTIVITY

None.

MISCELLANEOUS CORRESPONDENCE AND INFORMATION LETTER REGARDING LOST EXAM – JOHN SCWEITZER

Informational only.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT MAY BE SUBMITTED AFTER PRINTING OF THE AGENDA.

Ronnie Lockett D/B/A Changing Faces 02 Bac 019
Nails Plus Spa And Annie K. Tran 03 Bac 041

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: Bruce Bennett moved, seconded by Denise Svetly, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Denise Svetly-yes, Bruce Bennett-yes, Marvile Martin-yes, Janice Boeck-yes.

Open session recessed at 10:40 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

RECONVENE INTO OPEN SESSION

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to reconvene into open session at 11:04 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to close the following cases:
02 BAC 051 for prosecutorial Discretion (P5).
03 BAC 063 for insufficient evidence. Motion carried unanimously.

STIPULATIONS

RONNIE LOCKETT D/B/A CHANGING FACES 02 BAC 019

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Ronnie Lockett d/b/a Changing Faces 02 BAC 019. Motion carried unanimously.

NAILS PLUS SPA AND ANNIE K. TRAN 03 BAC 041

MOTION: To adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter concerning Nails Plus Spa and Annie K. Tran 03 BAC 041. Motion carried unanimously.

MOTION: Denise Svetly moved, seconded by Bruce Bennett, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation for all stipulations presented in closed session. Motion carried unanimously.

ADMINISTRATIVE WARNING SNIP INC. D/B/A GREAT CLIPS

MOTION: Bruce Bennett moved, seconded by Janice Boeck to approve the Administrative Warning as written in the matter concerning Snip Inc. d/b/a Great Clips. Motion carried unanimously.

EXAMINATION ISSUES

None.

APPLICATIONS

AMY VEITH

MOTION: Bruce Bennett moved, seconded by Marvile Martin to grant Amy Veith a Barbering and Cosmetology Manager's license. Motion carried unanimously.

NORA YAMAY MANANSALA

MOTION: Bruce Bennett moved, seconded by Denise Svetly to deny Nora Yamay Manansala request for a license to practice Barbering and Cosmetology by reciprocity. Motion carried unanimously.

NEW BUSINESS

The Board discussed continuing education issues, the report from Rod Gottfredsen's, Austin's Barber Shop. Mr. Lauer, Chair, suggested that the Committee take a second look at continuing education requirements and provide an exemption for older barbers that have been practicing over 30 years or require continuing education as a condition of discipline for those professions that have complaints filed against them. More safety and sanitation complaints come in from nail salons than from barbershops.

Suggested Agenda Items for April 5, 2004

- Draft of Rule Changes – John Schweitzer - Update
- Open-Book Examination
- Reciprocity Candidates

ADJOURNMENT

MOTION: Bruce Bennett moved, seconded by Denise Svetly to adjourn the meeting at 11:17 a.m. Motion carried unanimously.

NEXT MEETING: APRIL 5, 2004